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730 MASSACHUSETTS AVENUE  
TELEPHONE  
781-316-3020  
781-316-3029 FAX

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

March 16, 2021

### **By Electronic and First Class Mail**

Ms. Jessica Malcolm  
Manager of Planning and Programs  
Massachusetts Housing Finance Agency  
One Beacon Street  
Boston, Massachusetts 02108

**Re: Notice of Proposed Revisions to “Thorndike Place,” Arlington, MA  
(MassHousing ID #778/ #779)**

Dear Ms. Malcolm,

The Select Board of the Town of Arlington is in receipt of the March 8, 2021 Notice of Project Revision submitted to you by Arlington Land Realty, LLC (hereinafter “the Applicant”) relative to the Thorndike Place project proposed in Arlington. For the reasons set forth herein, the Board respectfully submits that the revisions to the project are both substantial and incongruous with MassHousing’s December 4, 2015 Site Approval/Project Eligibility determination. As such, this Board requests MassHousing determine that: 1) the changes submitted to you are substantial; and 2) that such changes materially and negatively impact your prior preliminary site approval.<sup>1</sup>

The Board is aware of MassHousing’s stated policy that it will not normally revise or revoke a project eligibility letter in the interim period between the project eligibility and final approval stages. The Board believes such action is necessary here, however, in light of the material revisions the Applicant is now proposing in contradiction of the project eligibility findings.

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<sup>1</sup> For the purposes of this letter, “site approval” and “project eligibility” are used interchangeably. A copy of your December 4, 2015 Project Eligibility/Site Approval Letter is annexed hereto for your convenience as Attachment “A.”

760 CMR 56.04(5) sets forth the standard for reviewing “substantial changes” to project which has received preliminary site approval and authorizes the Chief Executive Officer of a municipality (in Arlington, this Select Board) to request review before issuance of a decision on a Comprehensive Permit application. As noted in section 56.04 (5), “[o]nly the changes affecting the project eligibility requirements set forth at 760 CMR 56.04(1) shall be at issue in such review.” The three enumerated requirements are:

- (a) The Applicant shall be a public agency, a non-profit organization, or a Limited Dividend Organization;
- (b) The Project shall be fundable by a Subsidizing Agency under a Low or Moderate Income Housing subsidy program; and
- (c) The Applicant shall control the site.

760 CMR 56.04(1)(a)-(c).

With respect to criteria “(b)” it is important to reference the remainder of section 56.04(1), which states, “[c]ompliance with these project eligibility requirements shall be established by issuance of a *written determination of Project Eligibility by the Subsidizing Agency that contains all the findings required under 760 CMR 56.04(4)*, based upon its initial review of the Project and the Applicant’s qualifications in accordance with 760 CMR 56.04.”(emphasis added). Hence, these criteria include an examination of whether or not the Applicant’s proposed revisions are consistent with your previous findings of December 4, 2015 in order for the Project to continue to be “fundable by a Subsidizing Agency,” (i.e. MassHousing). Applied to this project, there are a wide range of proposed revisions that speak to MassHousing’s initial eligibility determination, which are now reviewable for their substantiality. A review of such revisions will show that they are substantial changes that conflict with the project eligibility findings.

In other words, contrary to the Applicant’s assertion in its notice letter, your examination of their proposed revisions should determine whether or not the Project as revised is substantially different from the one which you evaluated and approved as “fundable” under 760 CMR 56.04(4)(a)-(g). If you find the project is substantially different than the one you approved under such terms, you may then determine whether or not those substantial changes require modification of project eligibility or entirely void project eligibility. The Select Board believes the magnitude of the proposed changes warrants the latter determination; or alternatively, at a minimum the Applicant should be advised that the proposed revisions require modifications consistent with the terms of eligibility.

As applied to the Notice of Proposed Revisions, there are two categories of changes in which the revised project is both substantially changed from the Applicant’s original submissions for eligibility purposes, and further are materially inconsistent with MassHousing’s previous findings under 760 CMR 56.04(4):

- Removal of Six (6) “Transitional Zone” Townhouses from the Project; and
- Reduction of Access Points and Abandonment of Transit-Oriented Site Improvements.

The Select Board appreciates that the 40B hearing process invites alterations and improvements based upon feedback from zoning boards, technical experts, and the public. It also respects the Arlington Zoning Board of Appeals' jurisdiction and hard work to evaluate a complex project under the rubric of c. 40B. In this instance however, these alterations stem from the site constraints highlighted to the Applicant and MassHousing at the outset of this project because of its limited access and proximity to wetland resources. Addressing one area of concern by exacerbating others does not render such proposed changes insubstantial or benign.

## **I. Appropriateness of Design & Removal of Townhouse Transitional Zone**

In both the Applicant's submissions for Project Eligibility and MassHousing's approval thereof, the appropriateness of the project was tied heavily to the construction of six (6) duplex style townhouse buildings containing twelve (12) homeownership units<sup>2</sup> to serve as a buffer between the single and two family homes in the surrounding residential neighborhood and a four-story, large-scale apartment building proposed for the back of the site.

As proposed initially, the townhouses were to occupy the street frontage on Dorothy Road, providing a necessary buffer to the proposed apartment building to be located approximately 80 feet behind the townhouses and more than 150 feet from the road. These townhouses have been entirely eliminated from the revised project and replaced along the street frontage with a 172-unit apartment building<sup>3</sup> that is only 25 feet off of Dorothy Road and which stretches along the road for approximately 450 feet. The foregoing proposed revisions are entirely inconsistent with a foundational premise of MassHousing's Approval.

As the Applicant stated to MassHousing to obtain its approval:

The townhouse units were designed as a transitional zone between the duplex and single family homes of the existing residential neighborhood to the north and east of the project and the larger proposed apartment building to the south. *The proposed two-story town homes are of a similar height, scale and spacing as the other homes along Dorothy Road. To reflect the character of the street, the townhouse units feature lap siding, pitched roofs and a welcoming front porches.*

See Application for Site Approval at 3.3. "Narrative Description to Design Approach."<sup>4</sup> (emphasis added).

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<sup>2</sup> An added benefit of the townhouses was that they would be developed as homeownership units. Their removal in the revised submission is a change in tenure type as well as building type which, per the initial eligibility letter, provides an independent basis for requiring the submission of a new site eligibility application. (See Project Eligibility Letter, at p. 5).

<sup>3</sup> As further evidence of the scope of the proposed structure and its incompatibility with the surrounding neighborhood is, if built, the proposed apartment building would be the single largest apartment structure in the Town of Arlington.

<sup>4</sup> The Applicant also highlighted the Townhouses as evidence of sustainable development through both the lenses of concentration of development and mixed use, and expansion of housing opportunities.

MassHousing was highly responsive to such claims, noting several times in its Site Approval Letter of December 4, 2015, the importance of the townhouses as a buffer to the proposed apartment building. Such references included the following:

“As stated the Project will include 6 duplex style townhouses and 1, four-story apartment building. Buildings have been sited with the goal of minimizing impacts on the surrounding streetscape, *with the townhouses located along Dorothy Road, closest to the Site entrance, and the larger building set back to minimize its observable bulk.*

Adjacent typology is residential development mainly comprised of one and two-family colonial style homes. *The proposed townhouses are sited along Dorothy Road and will complement the existing residential development of this street, as the townhouses are of a similar height, scale, and spacing as the other homes along Dorothy Road...[and] were designed as a transitional zone between the duplex and single-family homes...[and] reflect the character of the street.”*

See, Project Eligibility/Site Approval Letter, at Attachment “1” p. 8-9.

MassHousing further cited the value of the townhouses as essential for a transitional zone in assessing the Project’s relationship to adjacent streets and integration into existing development patterns. *Id.* at p. 9. As stated, the revised proposal both eliminates this “transitional zone” in its entirety and moves the similarly-scaled four-story apartment building *closer* to Dorothy Road; eliminating both the townhouses themselves and the eighty feet of distance between them and the original planned apartment building.

The Applicant contends that these revisions are the product of feedback meant to address concerns of the Zoning Board of Appeals and others. However, to this Board’s understanding, the extent of such feedback was primarily in the form of universally shared concerns that the original proposal was within wetlands resource areas. To maintain adherence to the project eligibility findings, the foregoing building limitations should have resulted in the Applicant re-scaling the proposed apartment building behind the townhouse transition zone. Instead, the Applicant abandoned adherence to the design requirements contained in Section 56.04(4)(c) and proposed the complete removal of the townhouses with an apartment building having no compatibility with its surrounding neighborhood.<sup>5</sup> Although it is the Applicant’s prerogative to address one problem by creating or exacerbating another, such alterations taking place in the context of feedback about wetlands impacts or even the overall scope of the project does not

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<sup>5</sup> The Applicant’s asserted justification in its notice letter for the elimination of the townhouses – the removal of driveways – reveals a complete disregard for the legitimate concerns of those living in the neighborhood in which it wishes to build. Moreover, comparison of the prominent language contained in the Applicant’s project application concerning the importance of the townhouses as a transitional buffer with the bare mention in the notice letter within a footnote of the supposed compatibility of the relocated apartment building with the surrounding neighborhood further highlights the shortcomings of the revised proposal and its conflict with the project eligibility findings.

render it immune from being rightly considered a substantial change or contrary to a foundational element of MassHousing's Site Approval.

Indeed, the facts presented here following the removal of the townhouses are similar to those which led to MassHousing's denial of site approval/project eligibility in the 2017 Project Eligibility Application for "Medfield Meadows" (MH# 873). See January 31, 2017 Project Eligibility Letter of MassHousing re "Medfield Meadows," (MH#873) annexed hereto as Exhibit "B." In your denial of project eligibility relative to said application you noted that proposed three and four-story apartment buildings were not consistent with nearby existing building typology – single and two story homes in a residential neighborhood which would be overwhelmed by the "height, mass, and scale" of apartment buildings. Germane to the specific changes submitted to you in this matter, you noted that the Medfield Meadows Project did not "make a reasonable transition to this well established residential neighborhood." *Id.*

In your Site Approval Letter for this project you explicitly noted how important the Townhouses were to the relationship with the neighborhood in the same terms discussed in "Medfield Meadows," finding:

"[t]he proposed townhouse units on Dorothy Road were designed as a transitional zone between the duplex and single family homes of the existing residential neighborhood to the North and East of the project and the larger proposed apartment building to the South." See, Project Eligibility/Site Approval Letter, at Attachment "1" p. 9.

While this Board questioned whether the Townhouses were sufficient buffers between a long-standing single and two-family residential neighborhood, it cannot disagree with the palpable difference between a project with townhouses and one without.

As submitted by the Applicant, the townhouse transitional zone presented the following in terms of presentation to the street, massing, height, and scale:



However, the revised proposal, which the Applicant urges you to consider an insubstantial change presents in stark contrast as follows<sup>6</sup>:



On its face, this revised proposal presents the very concerns that formed the basis for your denial of eligibility in a near-identical context. Where once were townhomes featuring spacing, height and mass similar to the existing homes in the neighborhood, there is now a large apartment building directly on the street with nothing to transition or buffer direct-abutters living in single

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<sup>6</sup> The Applicant's streetscape rendering, which it included as an attachment to its notice letter, is inaccurate as it fails to show, among other shortcomings, the main entry and the "semi-circular" access drive in the newly proposed apartment building. Moreover, the 3D streetscapes also included in the notice letter package at Attachment "B" significantly overstate the width of Dorothy Road. Such inaccuracies have added significance here given that a primary issue before MassHousing is compatibility with the surrounding neighborhood.

family or two-family homes next to or across the street from the building. Accordingly, we respectfully ask you to deem the removal of these townhouses a substantial change; and further, one material enough that eligibility will require restoration of such townhouses with a re-scaling and re-siting of the apartment building behind the townhouses in a manner that complies with applicable environmental statutes, regulations and bylaws.

## **II. Site Appropriateness: Traffic & Transportation**

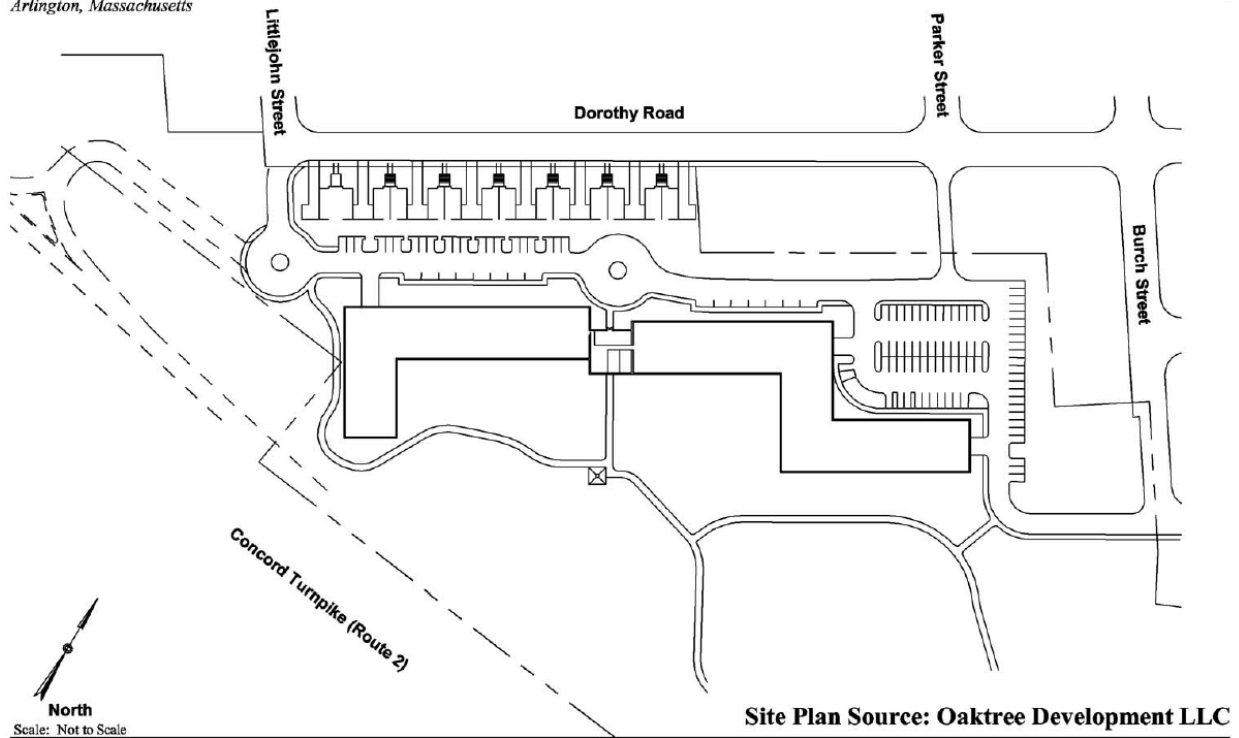
In addition to the foregoing, the project granted preliminary site approval by the revised proposal before you makes no mention of two critical elements to your traffic and transportation assessment and overall evaluation of site appropriateness. First, the site has no access whatsoever to or from Route 2 and no longer features direct access to Parker Street or Burch Street. In its revised form all vehicular access is provided by Little John Street and Dorothy Road, which are essentially the same street for the purposes of this project. Second, the revised project has no walking path improvements to connect the site to a more direct access points to the Alewife T Station or the Minuteman Bikepath. These elements were featured pieces in establishing the appropriateness of a site that still proposes to add parking nearly 200 cars to frequent narrow residential streets. Their abandonment constitutes further substantial and detrimental changes. Four vehicular access points and at least one supplementary pedestrian access point have been reduced to place all vehicular and pedestrian access to a single roadway.

### **A. Reduced Traffic Access Points & No Access from Route 2**

One of MassHousing's principal findings with respect to the general appropriateness of the site for redevelopment was that "[t]he Site is accessible to Route 2, which borders the site." See Eligibility Letter at Attachment "1;" Findings "(b), p. 8. Indeed, both the site plans submitted by the Applicant to MassHousing, and the April 2014 Traffic Impact and Access Study by MDM Transportation Consultants highlighted access to Route 2 a feature for MassHousing given the constraints of the modest neighborhood streets otherwise necessary for ingress and egress. As MDM's report stated:

*"The proposed Site programming consists of developing the Site as a 207-unit residential development consisting of 193± rental apartment units and 14± townhouse/ condominium units. On-Site parking is planned for 171 garage spaces and 138 surface spaces for a total of approximately 309 parking spaces. The townhouse apartment units are proposed to have individual driveways directly onto Dorothy Road. Planned Site access/egress for the apartment units includes three unsignalized driveways including a full-access driveway connection to Dorothy Road, a full-access driveway along Burch Street, and a gated emergency-only driveway connection to Parker Street. An additional access/egress driveway that would be restricted to right-in/right-out movements along the Route 2/Lake Street westbound off-ramp is also evaluated as a potential alternative. The preliminary Site layout plan prepared by Oaktree Development LLC is presented in Figure 2"*

See MDM Traffic Impact and Access Study at E.1 p. 2; and Figure 2. (emphasis added).



*(As can be seen in MDM's "Figure 2," both the Rt. 2 Ramp and Burch Street and Parker Street access were prominent features of the Site Plans submitted for Site Approval to MassHousing)*

This proposal was further referenced in Section E.4 "Access Improvements" of the MDM Study, stating:

The alternative driveway connection to the Route 2 westbound off-ramp to Lake Street is being considered as a more direct access to/from Route 2, thereby reducing dependence on local roadways. The Proponent is in consultation with MassDOT to identify land acquisition requirements that involve re-designation of access lines along the Route 2 property frontage and transfer of property to MassDOT that would mutually benefit both parties.

See MDM Traffic Impact and Access Study at E.1 p. 4

Neither the current revised project plan nor any plan submitted to the Arlington Zoning Board of Appeals within the Applicant's Comprehensive Permit have maintained or even proposed an off-ramp or any other direct access to Route 2. Indeed no alternatives whatsoever have been provided to achieve "reduc[ed] dependence of local roadways" by the Applicant in the Revised Project before you, with or without any of the other changes referenced by the Applicant in their recent Notice.

Additionally, as recited above, MDM's Traffic Impact and Access Study and the Applicant's proposal to you included site access and egress via three driveways – one on Dorothy Road, a second on Burch Street (at the intersection of Edith Road), and a third



emergency-only access point on Parker Street, all but one of which have been eliminated in the revised project.

Local traffic congestion concerns were one of the principal concerns raised by this Board in its August 18, 2015 and October 6, 2015 comments to MassHousing given the limitations of the narrow residential streets abutting the proposed site. This Board trusts that such representations to MassHousing were meaningful factors within your decision to grant project eligibility. As such, we strongly urge you to deem the abandonment of *any* alternative means for traffic to access the proposed site and the elimination of two vehicular access points to constitute a substantial change under 760 CMR 56.04(5) that is inconsistent with the bases of your eligibility determination.

#### B. Removal of Transit-Oriented Walking Path Access

In a similar vein, MassHousing's preliminary site approval was also predicated in part on the ease of access to public transit from the site via "an integrated system of sidewalks and a *path connection* to the nearby Minuteman Bike Path to facilitate bicycle use and accessibility and use of public transportation at the nearby Alewife MBTA station." See MDM Traffic Impact and Access Study at E.3, p. 3; E.5, p. 4; and 3.4, p. 19; and Figure 2. To that end, both the Site Approval Application and the MDM Study included site plans specifically providing a walking bath on the lowland wetland parcels both as an attractive amenity for passive recreation and as a more direct means of connecting the site to the Minuteman Bikepath.<sup>7</sup> See, e.g., Site Approval Application at 3.1, "Preliminary Site Plan," 3.2 "Preliminary Architectural Plans," and Attachment 2.3 "Site /Context Photographs."

As highlighted in the Preliminary Site Plan submitted to you, the Applicant proposed a connected network of walking paths through the wetlands areas to provide further and more direct connections from the site to the Minuteman Bikepath and Alewife.



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<sup>7</sup> Given the size and scale of Site Plans, full copies previously submitted to MassHousing have not been attached. Full copies can be provided to MassHousing for your convenience at your request.



The foregoing picture was included (Attachment 2.3 to their Application) as an example of what could be achieved to connect the project site more directly to both the existing bikepath and Alewife. However, in the revised proposal, there is only a walking path circling the re-sited apartment building.

It may well be that the Applicant has removed this element of its proposal because it was predicated on eager acceptance of the portions of land in question by the Town and subsequent Town improvements to it using mitigation funds provided by the Applicant. However, at this juncture it cannot be denied that a substantial feature of the project for the purpose of accommodating and encouraging use of public transit from the site has been removed. Especially in concert with the previously noted changes to the vehicular access, the Select Board believes the cumulative revisions to access and ingress/egress to and from the site are both substantial and in conflict with the bases for your grant of preliminary site approval/project eligibility. The end sum is a revised project in which all automotive, bicycle, and foot traffic must utilize a single residential street for access to 172 units rather than the highway, multi-street, and walking path connections originally proposed for eligibility purposes.

### Conclusion

As set forth in 76 CMR 56.04, this body has the responsibility and authority to comment upon a Notice of Revision where in its judgment changes to the project preliminary afforded site approval by you are substantial. The dramatic alteration of several of the core elements of this project – elements that assured your approval was appropriate – are both substantial and incongruous with your findings for eligibility purposes. As such, the Arlington Select Board urges MassHousing to first find that the revision proposal includes substantial changes, and second that absent remediation, those changes disqualify the project from the eligibility you previously granted.

Please contact us should you have any questions or if you would like any additional support for our comments above.

Respectfully submitted,  
On behalf of the Arlington Select  
Board as its Chair,

A handwritten signature in black ink, appearing to read "John V. Hurd". The signature is written in a cursive, flowing style.

John V. Hurd

cc: Stephanie Kiefer, Esq., *Counsel for the Applicant*

Arlington Zoning Board of Appeals

Sen. Cindy Friedman

Rep. Sean Garballey

Rep. David M. Rogers

**ATTACHMENT “A”**



Massachusetts Housing Finance Agency  
One Beacon Street, Boston, MA 02108

TEL: 617.854.1000 | FAX: 617.854.1091  
VP: 866.758.1435 | [www.masshousing.com](http://www.masshousing.com)

December 4, 2015

Peter S. Mugar, Manager  
Arlington Land Realty, LLC  
c/o Oaktree/Greenline, LLC  
84 Sherman Street, 2<sup>nd</sup> Floor  
Cambridge, MA 02140

**Re: Thorndike Place  
Project Eligibility/Site Approval  
MassHousing ID # 778/779**

Dear Mr. Mugar:

This letter is in response to your application as “Applicant” for a determination of Project Eligibility (Site Approval) pursuant to Massachusetts General Laws Chapter 40B (“Chapter 40B”), 760 CMR 56.00 (the “Regulations”) and the Comprehensive Permit Guidelines issued by the Department of Housing and Community Development (“DHCD”) (the “Guidelines” and, collectively with Chapter 40B and the Regulations, the “Comprehensive Permit Rules”), under the New England Fund (“NEF”) Program (“the Program”) of the Federal Home Loan Bank of Boston (“FHLBB”).

Arlington Land Realty, LLC has submitted an application to MassHousing pursuant to Chapter 40B. The Project will include 12 homeownership units (3 affordable) and 207 units of rental housing (52 affordable) and will be located off of Dorothy Road in Arlington, MA (the “Municipality” or the “Town”) on 17.814 acres (5.6 buildable acres) of land in an area currently zoned Planned Unit Development (PUD). The Project will include 6 duplex style townhouse homes and 1, four-story apartment building. A total of 304 parking spaces will be provided including 2 garage spaces for each townhouse (24 total), 178 covered spaces in the apartment podium garage, and 102 surface parking spaces. In accordance with the Comprehensive Permit Rules, this letter is intended to be a written determination of Project Eligibility (“Site Approval”) by MassHousing acting as Subsidizing Agency under the Guidelines, including Part V thereof, “Housing Programs In Which Funding Is Provided By Other Than A State Agency.”

On June 23, 2015 MassHousing performed an on-site inspection of the Site, which local boards and officials were invited to attend, and has reviewed the pertinent information for the Project submitted by the Applicant, the Municipality and others in accordance with the Comprehensive Permit Rules.



### **Municipal Comments**

Pursuant to the Regulations, the Municipality was given a thirty (30) day period, in which to review the Site Approval application and submit comments to MassHousing. At the request of the Town of Arlington, MassHousing then extended the comment period by thirty (30) additional days. Subsequently, the Town of Arlington requested one week of additional time in order to incorporate comments prepared at a hearing held by the Town on August 12, 2015. This additional time was granted, allowing for a total of sixty-seven (67) days for the Town's review and comment.

The Arlington Board of Selectmen provided a letter received by MassHousing on August 18, 2015, expressing its concerns about the proposal. In summary, the Selectmen's letter urged MassHousing to deny the Application for Site Approval. The Applicant responded to these concerns through its consultant in a letter received by MassHousing on September 15, 2015. The Town responded to the Applicant's concerns and reiterated its position in a second letter received by MassHousing on October 6, 2015.

The Town's comments identified the following areas of concern which are addressed in the findings:

- The Municipality questioned the Applicant's eligibility to apply for a determination of Project Eligibility because it failed to provide a Letter of Interest from an NEF lender.
- The Municipality expressed concern that the Applicant failed to provide sufficient evidence of site control.
- The Municipality believes that the Applicant has violated MassHousing's Land Acquisition Value Policy.
- The Municipality suggests that the Initial Capital Budget contains unsupported costs.
- The Municipality noted that a significant portion of the Site is subject to the jurisdiction of the Arlington Conservation Commission pursuant to the Wetlands Protection Act and Arlington Wetlands Bylaws and Regulations. The Selectmen expressed the concern that the Project would have negative impacts on-site wetlands and associated impacts on adjacent properties.
- The Municipality is concerned that portions of the buildings are located in resource areas and in buffer zones.
- The Municipality states that the constraints imposed by the predominance of wetlands on the Site will result in a crowding of buildings, roadways, parking, and infrastructure.
- The Municipality further noted that the Site lies in a Flood Zone and both the project parcel and adjacent parcels are subject to flooding.

- The Municipality expressed concern that the Project will require the removal of approximately seven acres of forest with mature trees, understory vegetation, and pervious ground which will prevent infiltration.
- The Municipality is also concerned that clearing up to seven acres for the proposed buildings and roadways will decrease the amount of wildlife habitat on the property.
- The Municipality is concerned with the potential for flooding from sea level rise affecting the area.
- The Municipality expressed concern that the Project will be located in an area with high traffic volumes on Route 2/Concord Turnpike and Route 16 and will overwhelm the local road that serves the surrounding single-family neighborhood. The Municipality is further concerned that the proposed development will increase traffic congestion in the area.
- Municipal comments also identified aspects of the Site Plan that they felt were incompatible with area development patterns and/or unacceptable for this location. These specific concerns included excessive building heights (up to 4-stories at 53'); and excessive unit density (estimated 43.8 units/buildable acre).
- Arlington Selectmen expressed the opinion that the Project was not consistent with the Commonwealth's Sustainable Development Principles.

### **Community Response**

In addition to the comments from town officials, MassHousing received and reviewed a letter from the Coalition to Save the Mugar Wetlands, which expressed opposition to the Project. While letters from members of the community echoed the concerns identified by the town officials, they focused specifically on the Project's direct impacts on abutter safety and quality of life, including the following:

- Increased traffic queuing and wait times at peak hours on Lake Street;
- Potential damage to abutting properties, recreational areas, and roadways from Project run-off and flooding; and
- Possible impacts on classroom size, and on the quality of the Arlington Public Schools.

Senator Kenneth Donnelly and State Representatives Sean Garballey and David Rogers provided a joint letter reiterating constituent concerns about the Project and its potentially negative impacts on the Town.



### **Comments Outside of the Findings**

While Comprehensive Permit Rules require MassHousing, acting as Subsidizing Agency under the Guidelines, to “accept written comments from Local Boards and other interested parties” and to “consider any such comments prior to issuing a determination of Project Eligibility,” these rules limit MassHousing to specific findings outlined in 760 CMR 56.04(1) and (4). While many of the public comments submitted to MassHousing are important considerations for your development going forward MassHousing is required only to find that a site is “generally appropriate for housing” based on its review. As such, these issues are not within scope of the Agency’s review under existing regulations. Nevertheless, these public comments are important and should be seen as integral considerations for your development going forward.

Specifically, the Selectmen’s letter noted that Arlington has a history of planning for growth and development through the update of the Town’s Comprehensive Plan, Housing Plan and Open Space Plan and view the proposed development as inconsistent with local planning.

### **MassHousing Determination and Recommendations**

MassHousing staff has determined that the Project appears generally eligible under the requirements of the Program, subject to final review of eligibility and to Final Approval. As a result of our review, we have made the findings as required pursuant to 760 CMR 56.04(1) and (4). Each such finding, with supporting reasoning, is set forth in further detail in Attachment 1. It is important to note that Comprehensive Permit Rules limit MassHousing to these specific findings in order to determine Project Eligibility. If, as here, MassHousing issues a determination of Project Eligibility, the Developer may apply to the Zoning Board of Appeals of the Municipality for a comprehensive permit. At that time, local boards, officials and members of the public are provided the opportunity to further review the Project to ensure compliance with applicable state and local standards and regulations.

A number of the Municipality’s comments highlighted elements of the application that the Municipality viewed to be missing and/or incomplete. Over the course of our review, it is not uncommon to request additional information of the applicant to clarify any outstanding items. Prior to completion of our review, all outstanding matters have been resolved and the application is complete. Based on MassHousing’s site and design review, and in light of feedback received from the Municipality and abutters, the following issues should be addressed in your application to the Zoning Board of Appeals, and you should be prepared to explore them more fully in the public hearing process:

- Development of this Site will require compliance with all state and federal environmental laws, regulations and standards applicable to existing conditions and to the proposed use relating to floodplain management, wetland protection, river and wildlife conservation, water quality, stormwater management, wastewater treatment, and hazardous waste safety. The Applicant should expect that the Municipality will require evidence of such compliance prior to the issuance of a building permit for the Project.



- The Applicant should be prepared to provide sufficient data to assess the Project's potential traffic impacts on area roadways including traffic volumes, crash rates, and the safety and level of service (LOS) at the site entrances and area intersections.
- The Applicant should be prepared to address Municipal concerns relative to the size, scale and density of the Project and its impact on the character of the surrounding neighborhood, and to fully describe the proposed measures to address and mitigate these concerns.
- The Applicant should be prepared to provide detailed information relative to proposed water and sewer use, potential impacts on existing capacity, and appropriate mitigation.
- The Applicant should provide a detailed planting plan identifying existing vegetation which will be preserved along with proposed new planting.

MassHousing has also reviewed the application for compliance with the requirements of 760 CMR 56.04 (2) relative to Application requirements, and has determined that the material provided by the Developer in the application is sufficient to show compliance.

This Site Approval is expressly limited to the development of no more than 207 rental units and 12 ownership units under the terms of the Program, of which not less than 52 rental units and 4 homeownership units shall be restricted as affordable for low or moderate income persons or families as required under the terms of the Guidelines. It is not a commitment or guarantee of NEF financing and does not constitute a site plan or building design approval. Should you consider, prior to obtaining a comprehensive permit, the use of any other housing subsidy program, the construction of additional units or a reduction in the size of the Site, you may be required to submit a new Site Approval application for review by MassHousing. Should you consider a change in tenure type or a change in building type or height, you may be required to submit a new site approval application for review by MassHousing.

For guidance on the comprehensive permit review process, you are advised to consult the Guidelines. Further, we urge you to review carefully with legal counsel the M.G.L. c.40B Comprehensive Permit Regulations at 760 CMR 56.00.

This approval will be effective for a period of two years from the date of this letter. Should the Applicant not apply for a comprehensive permit within this period this letter shall be considered to be expired and no longer in effect unless MassHousing extends the effective period of this letter in writing. In addition, the Applicant is required to notify MassHousing when the following steps occur: (1) the Applicant applies to the local ZBA for a Comprehensive Permit, (2) the ZBA issues a decision and (3) any appeals are filed.

Should a comprehensive permit be issued, please note that prior to (i) commencement of construction of the Project or (ii) issuance of a building permit, the Applicant is required to submit to MassHousing a request for Final Approval of the Project (as it may have been

amended) in accordance with the Comprehensive Permit Rules (see especially 760 CMR 56.04(07) and the Guidelines including, without limitation, Part III thereof concerning Affirmative Fair Housing Marketing and Resident Selection). Final Approval will not be issued unless MassHousing is able to make the same findings at the time of issuing Final Approval as required at Site Approval.

**Please note that MassHousing may not issue Final Approval if the Comprehensive Permit contains any conditions that are inconsistent with the regulatory requirements of the New England Fund Program of the FHLBB, for which MassHousing serves as Subsidizing Agency, as reflected in the applicable regulatory documents. In the interest of providing for an efficient review process and in order to avoid the potential lapse of certain appeal rights, the Applicant may wish to submit a "final draft" of the Comprehensive Permit to MassHousing for review. Applicants who avail themselves of this opportunity may avoid significant procedural delays that can result from the need to seek modification of the Comprehensive Permit after its initial issuance.**

If you have any questions concerning this letter, please contact Jessica Malcolm at (617) 854-1201.

Sincerely,



Thomas R. Gleason  
Executive Director

cc: Chrystal Kornegay, Undersecretary, DHCD  
Adam Chapdelaine, Town Manager, Town of Arlington  
Kevin F. Greeley, Chair, Board of Selectmen, Town of Arlington  
The Honorable Kenneth Donnelly  
The Honorable Sean Garballey  
The Honorable David Rogers



**Attachment 1.**

760 CMR 56.04 Project Eligibility: Other Responsibilities of Subsidizing Agency  
Section (4) Findings and Determinations

**Thorndike Place, Arlington, MA # 778/779**

After the close of the 30-day review period and 37-day extension, MassHousing hereby makes the following findings, based upon its review of the application, and taking into account information received during the site visit and from written comments:

***(a) MassHousing finds that the proposed Project appears generally eligible under the requirements of the housing subsidy program, subject to final approval under 760 CMR 56.04(7);***

The Project is eligible under the NEF housing subsidy program and at least 25% of the units will be available to households earning at or below 80% of the Area Median Income (AMI), adjusted for household size, as published by the U.S. Department of Housing and Urban Development ("HUD"). The most recent HUD income limits indicate that 80% of the current median income for a four-person household in Arlington is \$69,700.

Proposed gross rent levels of \$1,112 for a one-bedroom affordable unit, \$1,317 for a two-bedroom affordable unit and \$1,576 for a three-bedroom affordable unit accurately reflect current affordable rent levels for the Boston-Cambridge-Quincy HMFA under the NEF Program, less proposed utility allowances of \$123, \$165, and \$204 respectively for the one, two, and three-bedroom units, respectively.

Note that the Developer's projected utility allowances are slightly different than those published by the Arlington Housing Authority:

80% of AMI Units	Heat	Hot Water	Cooking (Electric)	Other Electric	AHA Total U/A	Dev. Proposed U/A
1 BR	\$41	\$10	\$8	\$63	\$122	\$123
2 BR	\$49	\$14	\$11	\$84	\$158	\$165
3 BR	\$59	\$17	\$14	\$104	\$194	\$204

A Letter of Interest relative to Project Financing was provided by Citizens Bank, N.A. a member bank of the Federal Home Loan Bank of Boston (FHLBB) on November 9, 2015. MassHousing has reviewed the application and finds that the Letter of Interest is sufficient.

***(b) MassHousing finds that the site of the proposed Project is generally appropriate for residential development, taking into consideration information provided by the Municipality or other parties regarding municipal actions previously taken to meet affordable housing needs,***



*such as inclusionary zoning, multifamily districts adopted under c.40A, and overlay districts adopted under c.40R, (such finding, with supporting reasoning, to be set forth in reasonable detail);*

Based on MassHousing staff's site inspections, internal discussions, and a thorough review of the application, MassHousing finds that the Site is suitable for residential use and development and that such use would be compatible with surrounding uses. Utilities including sanitary sewer, public water, natural gas and electricity appear to be available subject to appropriate review and mitigation. The Site is accessible to Route 2, which borders the Site to the South and is located .7 miles from Alewife Station which is easily accessible by car, bicycle, or foot via the Minuteman Commuter Bikeway that can be accessed less than .5 miles from the Site. It is located .6 miles from Massachusetts Avenue, which has many local restaurants and businesses.

According to DHCD's Chapter 40B Subsidized Housing Inventory (SHI), updated through December 5, 2014, Arlington has 1,121 Subsidized Housing Inventory (SHI) units (5.6% of its housing inventory), which is 867 SHI units shy of the 10% SHI threshold. If this Project were to be completed, however, the number of affordable units would increase by 210 to 1,331, or approximately 6.9% of Arlington's total housing stock.

A strong need for the proposed affordable units is further demonstrated by the large number of low-and moderate-income persons in the immediate area; the 2013 American Community Survey (ACS) indicates that 52% of household in the Town of Arlington earn less than 80% AMI, approximately 37% earned less than the 70% AMI, and approximately 27% earned less than 50% AMI.

*(c) MassHousing finds that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail);*

In summary, based on evaluation of the site plan using the following criteria, MassHousing finds that the proposed conceptual project design is generally appropriate for the Site. The following plan review findings are made in response to conceptual plan, submitted to MassHousing:

#### **1. Relationship to Adjacent Building Typology:**

As stated, the Project will include 6 duplex style townhouse units and 1, four-story apartment building. Buildings have been sited with the goal of minimizing impacts on the surrounding streetscape, with the townhouses located along Dorothy Road, closest to the Site entrance, and the larger building set back to minimize its observable bulk.

Adjacent typology is residential development mainly comprised of one and two-family colonial style homes. The proposed townhouses are sited along Dorothy Road and will complement the



existing residential development of this street, as the townhouses are of a similar height, scale, and spacing as the other homes along Dorothy Road. The townhouse units were designed as a transitional zone between the duplex and single-family homes of the existing residential neighborhood to the North and East of the project and the larger proposed apartment building to the South. To reflect the character of the street, the townhouse units feature lap siding, pitched roofs, and front porches.

The 207 apartment units are located in 1, four-story building set back more than 150 feet from the residential street (Dorothy Road) and more than 80 feet from the townhouses. The main apartment building has a contemporary style, but incorporates materials like lap siding. The façade is broken up into multiple plains and masses to alleviate long, straight stretches in the elevation.

## **2. Relationship to adjacent streets/Integration into existing development patterns**

The property is situated between Route 2/Concord Turnpike and a residential neighborhood. The immediate surrounding neighborhood contains a mix of single family houses and two to three family condominium units. Larger apartment buildings are located across Route 2, around Alewife Station.

The proposed townhouse units on Dorothy Road were designed as a transitional zone between the duplex and single family homes of the existing residential neighborhood to the North and East of the project and the larger proposed apartment building to the South.

Access roads are pedestrian friendly and lined with trees. Pedestrian circulation is indicated on the site and connects to existing sidewalks at Little John/Dorothy Road and Edith Street. Overall, the neighborhood is an appropriate location for residential use.

## **3. Density**

The Project will have a gross density of 12.8 units per acre and a net density of 43.8 units per buildable acre. The proposed Project density is relatively low for multi-family development. Project density is mitigated by the fact that a large portion of the Site (which is primarily vegetated wetlands) has been left undeveloped.

## **4. Conceptual Site Plan**

Overall, the Site Plan provides an attractive setting for Project residents, while minimizing the visual impact of the rental portion of the Project from Dorothy Road and adjacent residential neighborhoods.

The 219 unit development is proposed for a wooded site along Route 2 in Arlington. The undeveloped site is adjacent to an established residential neighborhood of one and two family homes. Units are divided between 6 duplex townhouses (12 units) and 1, four-story apartment

building (207 units). The footprint of the apartment building is faceted with each wing an independent L-shaped double loaded corridor. The building runs the length of the site and is divided into 2, four-story residential wings (east and west). The total length of the building is almost 700 feet. There are three points of access to the apartment complex: Little John Street, Parker Street and at the corner of Edith Street and Burch Road.

## **5. Environmental Resources**

In 2000, the Metropolitan District Commission (MDC), now known as the Department of Conservation and Recreation (DCR), ranked the Site 12<sup>th</sup> out of the 205 most significant unprotected open spaces remaining in the Metropolitan Region. To the South, the apartment building will overlook 10 acres of the property that will be devoted to open space and potential public conservation land. This area of wetlands provides an expansive buffer between the apartment building and Route 2/Concord Turnpike and is proposed to include a walking trail/boardwalk.

The Site Plan makes use of existing vegetative borders along the property lines for screening and separation. Additionally, there will be pedestrian access to the Bike path at the Eastern end of the site.

## **6. Topography**

The topography is undulating with small to medium sized depressions in the northerly portion of the Site. To the North the site elevations range from 9 feet to 11 feet and the frontage with Route 2 ranges from elevations ranging from 6 feet to 10 feet. The most westerly portion of the site is the highest in elevation (approx. 12+ feet). Topography is not an impediment to the development of the Site.

***(d) MassHousing finds that the proposed Project appears financially feasible within the housing market in which it will be situated (based on comparable rentals and sales figures);***

The Applicant proposes 207 rental apartments, and 12 homeownership units to be financed under the NEF Program. There will be 155 market-rate apartment units with proposed average rent levels of \$2,100 for the one-bedroom units; \$3,000 for the two-bedroom units; and \$3,500 for the three-bedroom units.

MassHousing's Appraisal and Marketing Division (A&M) conducted a preliminary analysis showing that the demand for market-rate and affordable rental apartments in the area had expanded over the past five years. Reis, Inc. indicates that between 2010 and Q2 2015, 2,450 units (approx. 2.01%/yr. avg.) were added to the submarket's inventory. However, this pace is projected to slow between Q2 2015 and year-end 2019 (i.e. 1,864 units or 1.4%/yr. avg.)

Further, as the area's supply of rental units continues to grow, Reis, Inc. data indicates that the submarket's vacancy rate has/will grow as well, increasing from 4.8% in 2010 to 6.5% in Q2



2015, and subsequently projected to increase to 8.4% in 2019. However, this increase in supply and vacancy does not appear to have slowed the growth in effective rents, as they have increased from \$1,414 in 2010 to \$1,614 (14%) in Q2 2015. In fact, Reis, Inc. projects the submarket's effective rents to increase to \$1,864 (15.5%) by 2019.

In general, occupancy levels in the area have been stable, if not increasing, over the last 2-3 years. Vacancy data is available for the developments reviewed (appx. 1,800 units), ranged between 0% and 6%, with a weighted average rate of appx. 2.7%. This rate differs significantly with Q2 Reis, Inc. data for the submarket that evidenced a 9.0%

A&M found that proposed market rents for the one and two-bedroom units are within the range of comparable area developments, but that the proposed three-bedroom rents are slightly higher. A full market study should be conducted prior to Final Approval in order to determine the depth of the market for housing in this location at that time. Overall, the proposed project appears financially feasible within the housing market in which it will be situated based on comparable rentals.

The homeownership portion of the Project appears financially feasible based on a pricing study submitted by realtor Mark F. Lesses of Coldwell Banker. This study indicates that it is likely that the proposed market sales price will be achievable.

***(e) MassHousing finds that an initial pro forma has been reviewed, including a land valuation determination consistent with the Department's Guidelines, and the Project appears financially feasible and consistent with the Department's Guidelines for Cost Examination and Limitations on Profits and Distributions (if applicable) on the basis of estimated development costs;***

MassHousing has commissioned an as "As-Is" appraisal which indicates land valuations of \$1,560,000 (Parcel A – Homeownership) and \$1,510,000 (Parcel B – Rental) that make up the larger, combined Site. The initial homeownership pro forma has been reviewed for the proposed residential use and the Project appears financially feasible with a projected profit margin of 11.63%. Further, based on a proposed equity investment of \$20,127,583, the Applicant's initial rental pro-forma appears to be financially feasible and within the limitations on profits and distributions.

***(f) MassHousing finds that the Applicant is a public agency, a non-profit organization, or a Limited Dividend Organization, and it meets the general eligibility standards of the housing program; an***

The Applicant must be organized as a Limited Dividend Organization. MassHousing sees no reason this requirement could not be met given information reviewed to date. The Applicant meets the general eligibility standards of the NEF housing subsidy program and has executed an Acknowledgment of Obligations to restrict their profits in accordance with the applicable limited dividend provisions.

*(g) MassHousing finds that the Applicant controls the site, based on evidence that the Applicant or a related entity owns the site, or holds an option or contract to acquire such interest in the site, or has such other interest in the site as is deemed by the Subsidizing Agency to be sufficient to control the site.*

The applicant controls the Site by virtue of a Deed from David T. Ting, as Trustee of Arlington Land Realty Trust, to Arlington Land Realty, LLC dated September 8, 2015.



**ATTACHMENT “B”**



Massachusetts Housing Finance Agency  
One Beacon Street, Boston, MA 02108

TEL: 617.854.1000 | FAX: 617.854.1091  
VP: 866.758.1435 | [www.masshousing.com](http://www.masshousing.com)

January 31, 2017

**VIA CERTIFIED MAIL**

Medfield Meadows LLC  
18 Forest Street  
Dover, MA 02052  
Attention: John Kelly, Principal

RE: Medfield Meadows  
Medfield, MA (MH# 873)  
Project Eligibility (Site Approval) Application

Dear Mr. Kelly:

This letter is in response to your application for a determination of Project Eligibility ("Site Approval") pursuant to Massachusetts General Laws Chapter 40B ("Chapter 40B"), 760 CMR 56.00 and the Comprehensive Permit Guidelines issued by the Department of Housing and Community Development ("DHCD") (the "Guidelines" and, collectively, the "Comprehensive Permit Rules"), under the following program (the "Program"):

- New England Fund ("NEF") Program of the Federal Home Loan Bank of Boston.

The original application proposed to build two hundred (200) units of rental housing in two (2) buildings on individual parcels separated by North Meadow Road (Route 27) (the "Project") at 39-41 Dale Street and 49 Dale Street (the "Site") in Medfield, Massachusetts (the "Municipality"). Subsequent to an initial review of the Site and the proposed plans and comments from the Municipality regarding the site plan, MassHousing requested that the applicant reconsider the Project and its compatibility with adjacent uses and compliance with 760 CMR 56.04(4)(c), the applicable regulations that govern the design elements of a 40B proposal.

On January 5, 2017 the Applicant submitted a revised proposal to MassHousing that purported to respond to concerns regarding the original site plan, reduced the proposed height of the buildings and the number of units from two hundred (200) to one hundred eighty two (182) rental apartments units in three separate three and four-story buildings on a total of 6.24 acres of land, which only reduced the density from 32 units per acre to 29.17 units per acre on the Site.

MassHousing staff has performed an on-site inspection of the Site, which local boards and officials were invited to attend, then revised the Site in connection with the revised application, and has reviewed the pertinent information from both the original and the revised applications for the Project submitted by the Applicant, and comments submitted by the Municipality and others in accordance with the Comprehensive Permit Rules.

As a result of MassHousing's evaluation of the information that was presented, and the Agency's evaluation of the Site, MassHousing is unable to approve your application for a determination of Project Eligibility. While it is expected that a Project proposal submitted in accordance with the zoning and regulatory relief available under Chapter 40B will differ from the surrounding context in many fundamental ways, the Subsidizing Agency must also address matters regarding the Project's relationship to existing development patterns in the surrounding area. This Site appears to be generally appropriate for residential development and while municipal actions to date have not yet resulted in the production of housing required, "to meet the municipality's need for affordable housing as measured by the Statutory Minima"; nevertheless MassHousing has determined that the conceptual project design for the proposed development is not appropriate for this Site.

The reasons for MassHousing's denial of your applications are as follows:

MassHousing considers the design of the building and the proposed site layout to be inconsistent with the design requirements outlined in 760 CMR 56.04(4)(c) and the related Guidelines dated May, 2013. Specifically:

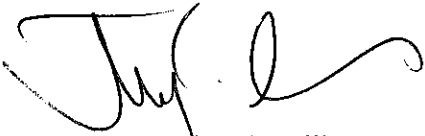
- The proposed apartment structure is inconsistent with nearby existing residential building typology. This is particularly true for the rear portion of the north parcel and the proposed building's relationship to the existing neighborhoods closest to the Site along Joseph Pace Road, John Crowder Road and Dale Street. The applicant's revised site plans do not adequately mitigate the impact of the proposed building's connection to the existing neighborhood from the initial proposal; the Project still fails to make a reasonable transition to this well established residential neighborhood.
- The proposed three to four-story apartment structures are not compatible with nearby structures in terms of height, mass and scale. Building elevations indicate that the proposed buildings (the three proposed buildings range in height from 60' to 77.5' tall depending on the topography of the Site) are at least triple the height of most surrounding 1-2 story structures. The building massing in the original submission was entirely inappropriate for both the Site and its relationship to the adjacent residential neighborhood. While the revised site plan, particularly that of the north parcel, has addressed some of the most glaring impacts to its closest abutters, the overall perception of the massing has not been adequately reduced to make the findings required under the regulations. The proposed massing on the south parcel is not significantly improved by the revised site plans and the presence of wetlands on that portion of the overall development Site is a constraint to a more logical relationship to the Grove Street neighborhood.

- Appropriate density of residential development depends on a number of different factors, and must be reviewed on a case by case basis. In this case, however, it appears that the Project is simply too dense for the lot on which it is located; nearly the entire Site is occupied by the proposed building program and the limited areas for open space are not sufficient to mitigate the project's effective density. While there are no maximum density thresholds, it is advisable to develop at a density that takes some cues from the existing community context. The nearest rental development is the Parc at Medfield which has a considerably lower density of approximately 10 units/acre as compared to the almost 30 units/acre proposed for this Project.
- The site plan does not provide a satisfactory design treatment of the edge between the Site and the surrounding streetscape and does little to enhance the visual quality of the streetscape. The northern and southern building facades face Route 27, which is the principal access to downtown Medfield, and create a poor visual relationship to this adjacent roadway.

In MassHousing's review of any application for Site Approval under Chapter 40B, the Agency does not consider any one factor in isolation. Rather, the site as a whole is considered as well as whether the development proposal is consistent with applicable Regulations and Guidelines. After a thorough review of your application, MassHousing does not find that your proposal is able to meet all of the required findings. Therefore, your application is denied.

If you have any questions concerning this matter, please contact Greg Watson, Manager of Comprehensive Permit Programs, at 617-854-1880.

Sincerely,



Timothy C. Sullivan  
Executive Director

cc: Chrystal Kornegay, Undersecretary, Department of Housing and Community Development  
The Honorable James Timilty  
The Honorable Denise C. Garlick  
The Honorable Shawn Dooley ✓  
Mark L. Fisher, Chairman, Medfield Board of Selectmen  
Michael J. Sullivan, Medfield Town Administrator  
Sarah Raposa, Medfield Town Planner